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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNST WILHELM KOHSE,

Defendant.

Case No. [15-cr-00179-JD-1](#) (DMR)

MODIFIED ORDER OF DETENTION

The parties appeared before the Honorable Donna M. Ryu on August 12, 2015, for a detention hearing. At the close of the hearing, the court ordered the government to submit a proposed order of detention. This order reflects modifications that the court made to the government's proposed order.

At the hearing, Defendant was present and represented by his appointed attorney, John Jordan. The United States was represented by Special Assistant U.S. Attorney Jennifer A. Tolkoff. The United States and Pretrial Services both requested detention, submitting that no condition or combination of conditions of release would reasonably assure the safety of the community or assure the defendant's appearance for future court proceedings. Upon consideration of the parties' proffers, the court file, and the Pretrial Services Report, the Court finds that the

MODIFIED DETENTION ORDER
CR 15-00179-JD

1 government has met its burden by clear and convincing evidence that the defendant presents a
2 danger to the community absent detention, and has also established by a preponderance of the
3 evidence that defendant poses a serious risk of flight that cannot reasonably be mitigated. *See* 18
4 U.S.C. §§ 3142(e) and (f). The Court therefore orders the defendant detained.

5 In particular, as to flight risk, the court notes that Kohse has been charged with a failure to
6 surrender. In addition, the defendant has a long record of failures to appear, probation violations,
7 and positive drug tests. In Case No. CR-08-00111 CW alone, the defendant has six Form 12s
8 relating to continued drug use, failing to report to probation, and failing to reside at a halfway
9 house as ordered by Judge Wilken.

10 As to danger to the community, the court notes that in the most recent Form 12 in Case No.
11 CR-08-00111 CW, charge number four alleged that the defendant was belligerent toward his
12 therapist and his counseling services were terminated due to safety concerns for the therapist. On
13 March 31, 2015, the date the defendant was arraigned on the current indictment, the defendant was
14 recorded in the United States Marshal Service holding cell before and after his arraignment
15 hearing. During this recording, the defendant appeared to make threatening comments about a
16 judge and an Assistant United States Attorney.

17 In sum, the Court finds that there is no condition or combination of conditions that can
18 assure the appearance of the defendant as required and assure the safety of any other person,
19 including himself, and the community.

20 IT IS HEREBY ORDERED THAT, accordingly, pursuant to Title 18, United States Code,
21 Section 3142:

22 (1) the defendant is committed to the custody of the Attorney General for confinement in a
23 corrections facility;

24 (2) the defendant be afforded reasonable opportunity for private consultation with his
25 counsel;

26 (3) on Order of a court of the United States or on request of any attorney for the
27 government, the person in charge of the corrections facility in which the defendant is confined
28 shall deliver the defendant to an authorized Deputy United States Marshal for the purpose of any

1 appearance in connection with a court proceeding.

2 **IT IS SO ORDERED.**

3 Dated: August 19, 2015



Donna M. Ryu
United States Magistrate Judge